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相关法律和保护问题的异同研究

Managing Burial Mounds: A Comparative Study  
of Cultural Heritage Management in China and  
the United States

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## **Abstract**

The main subject of this study is how burial mounds are managed and preserved in America and how that may be compared to burial mound management in China. An increasing number of archaeologists and museum professionals from both countries have been collaborating with each other on various projects, making it necessary for them to understand both country's heritage management laws. However, there has been a lack of comparative study on this subject. Studies on burial mound management are primarily concerned with one country's issues, not comparing China and the U.S. This dissertation intends to explore this topic by comparing the management of one main archaeological site in the U.S with other sites from both the U.S. and China. The goal of this study is to investigate whether there are any gaps that both countries need to work on; and to assist policy makers of both countries to reinforce current laws and/or create new, more detailed policies to aide in the protection and management of burial mounds in the U.S. and China.

This study is also to reveal the similarities and differences of the management of burial mounds between the two countries. The main case study is the Cahokia Mounds State Historic Site (CMSHS). The other minor case sites chosen for the comparison are: In the U.S., Dickson Mounds (DM), Burlington Mounds (BMG & WFRG), and Whitewater Mounds (MMG). In China, the comparative cases are the Qin Shi-Huang Ling (QSL) and the Han Yang Ling (HYL). Through the comparative analysis, this research intends to reveal the best practice in heritage preservation. It exposes the mistakes in the past in the hope to prevent them from happening again in the future. The main source of data come from my research study conducted at these sites or site museums, particularly my own observations. Some of the materials are from the museums' websites. Government sources and relevant articles are also consulted for the analysis.

What has been found is that a few of the comparative cases have more differences than similarities to the main case while two comparative cases hold more similarities than differences. Also being compared in this study is the federal laws and regulations of the U.S. and China on the protection of archaeological resources and the management of their corresponding institutions. Furthermore, the comparison of the policies of these countries has discovered many similarities like funding allotment, establishment of management agencies, and law violation consequences. However a few have big differences like missing funding,

missing punishment of violations, and accidental law breaking. This study also demonstrates the importance of managing tourists at highly popularized sites; and the cooperation between management of archaeological sites and the local community for the development and further popularization of the site. There are challenges like overcrowding, private property, and ethnic minority rights that link together the categories of tourism, management, and conservation; and there are many other issues that have arisen in U.S. and Chinese archaeology respectively.

The participation of the local community is evident at CMSHS. However, it is very different in other case sites. The change of the main case site's undertaking was first opposed by some citizens within the local population, however, the later benefits outweighed the possible risks the locals were worried about. In U.S. sites, there is a sense of societal identity that has started to surround the case sites, especially in the main case. CMSHS was preserved because it contains the largest quantity of mounds within North America. Other U.S. sites were preserved by means of private land owners choosing not to destroy them and subsequently selling their property to museums. The Chinese burial mounds have been preserved because of the efforts of the Central Government in implementing laws to establish protection over those sites, because these sites which are unique Chinese heritage.

What is lastly addressed in this study is both the U.S. and China should examine each other's weakness, issues, and resolutions in cultural heritage management. This is recommended so the U.S. and China can enact new and/or amend existing laws to assist in bolstering the preservation and management efforts for archaeological resources. One of the findings already discovered within the laws is that some are too vague to effectively protect archaeological sites. Some other findings include insufficient law enforcement, lack in effective public education, and an increased risk of damaging archaeological sites.

**Keywords:** *Cultural heritage management, Cahokia, Archaeological protection, Burial mounds*



## 中文摘要

本文研究的主题是美国对墓葬遗址的管理方式和相关立法，并对中、美两国在相关法律和保护问题的异同进行比较。中美考古学界对各自国家内土墩类遗存的研究较多，但对比的研究并不多见，而关于相关法律和管理方式的对比研究更是缺乏。现在中、美两国越来越多的考古学者迫切希望在考古领域能进行合作研究，因此非常需要加强对彼此的了解。本课题着重通过选取美国的一个代表性土墩墓考古遗址的管理和保护为主要研究案例，并与中、美两国的其他土墩类遗存进行对比研究。通过探究中、美两国之间在遗产立法和管理保护问题上异同，本文希望能为两国决策者完善或创建更为详尽的关于墓葬遗址的管理和法律法规提供参考。

本课题选取美国卡霍基亚土墩墓群（CMSHS）遗址为主要案例研究对象，同时选取美国的德克森土墩墓（DM）、伯灵顿土墩墓（BMG&WFRG）和白水丘土墩墓（MMG）为次要案例研究对象。中国的对比案例是秦始皇陵（QSL）和汉阳陵遗址（HYL）。通过对这些案例的系统研究对比，本课题重点指出了对墓葬遗址维护的所使用的正确措施，同时也指出了过去使用不当的措施。

本文使用的资料主要来自作者对这些古墓葬遗址的实地考察，同时也参考了相关博物馆网站的资料，以及来自各重要杂志，新闻报道以及其他能被搜索到的资料。

本课题对中、美两国相应机构关于考古资源保护的法律法规进行了比较，发现两国的相关法律法规差异性不大。本课题同时也探索了游客管理、古文化遗址管理部门及与当地社区合作的等相关课题，指出了将旅游，管理和文物保护紧密联系在一起所出现的一些问题。

在社区参与程度上，本文所分析的个案之间的差异非常明显。美国卡霍基亚土墩墓群遗址公园的管理和运作，当地社区的参与十分明显和活跃，但公众对其他三个次要案例的运作参与并不积极。最初卡霍基亚土墩墓群遗址的保护也并不被当地居民喜欢，但是随着该遗址群国内和国际影响的增加以及保护的利益大于当地居民所担忧会出现的风险时，人们开始对遗址产生社会认同感。卡霍基亚土墩墓群遗址之所以被加以保护，是因为其为北美最大的土墩墓群。中国的两个对比个案 秦始皇陵遗址群和汉阳陵

遗址群都已被列为国家重点文物保护单位，同时也成立了遗址博物馆，但当地社区除了经济利益之外，对遗址的认同感并不强烈，也没有积极参与保护与管理。

本课题的最终目的是希望中、美两国能对比检视自己在文化遗产管理和保护上的不足及保护过程中出现问题，并改善相应的对策。两国立法部门均需要创建新法律法规或完善现有的法律法规，以帮助和支持考古资源的保护和管理。本课题提出了四个需要注意或亟需解决的问题：一、部分法律过于含糊而不能有效的保护古文化遗址；二、执法不力；三、部分遗址缺乏有效的公共教育；四、考古遗址被破坏的风险在不断增加。

**关键词：**文化遗产管理，卡霍基亚古文化遗址，考古保护，土墩类遗存

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